

and cooperate to mount the angle bracket onto an upright. The lock includes a pair of side members pivotally coupled to the angle bracket by a fulcrum bar. The pair of side members include a first pair of openings for an outer jaw and a second pair of openings for an inner jaw, the second pair of openings being disposed, in the case of a load activated lock, beneath the plane defined by the fulcrum bar and the first pair of openings. In one embodiment, the inner jaw comprises a contact surface which is flat. In another embodiment, the inner jaw comprises a contact surface which includes a plurality of rasps.

On page 2 of the first Office Action dated 8-5-02, the Examiner commented,

Examiner wishes to bring to applicant's attention that the title of the invention as listed on the Declaration and Transmittal Letter (dated 12/31/00) is "Bracket Assembly Lock"; but on the Information Disclosure Statement and page 1 of the Specification it is "Improved Bracket Assembly Lock". Correction for purposes of consistency is suggested.

In response to the Examiner's comments, Applicant is hereby amending the title on page 1 of the specification to read "Bracket Assembly Lock" for purposes of consistency.

The disclosure stands objected to "because of the following informalities: on page 7, line 8 insert --that-- after 'contact surface'."

Applicant has amended the specification to overcome the foregoing objection to the disclosure. Accordingly, the foregoing objection should be withdrawn.

The drawings stand objected to under 37 CFR 1.84(p)(5). In support of the objection, the Examiner commented,

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 110 on page 16, line 10. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: 22, 45, 112, and 140. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In response to the foregoing objections, Applicant submits herewith a Request for Approval of Drawing Change that overcomes the foregoing objections. Accordingly, for at least the above reasons the foregoing objections should be withdrawn.

Claims 1-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,970,277 to Riblet (hereinafter Riblet '486) in view of U.S. Patent No. 4,597,471 to Anderson (hereinafter Anderson) and further in view of U.S. Patent No. 878,455 to Carter (hereinafter Carter). In support of the rejection, the Examiner commented,

Regarding claims 1-19, Riblet discloses a lock (11) comprising: a pair of side members (24, 25) pivotally coupled to an angle bracket (10) by a fulcrum bar (32); an inner jaw (27) and outer jaw (26) coupled to the side members (24, 25); wherein the inner jaw (27) is mounted beneath the plane defined by the fulcrum bar and an outer jaw (26). Riblet does not disclose one of the inner or outer jaws having a contact surface that contacts the upright (U1) over a planar region (i.e., a flat contact surface) or the one of the inner or outer jaw being capable of pivoting relative to the side members (24, 25). Anderson discloses an apparatus for mounting on an upright (40) comprising an outer jaw (106) having a flat extended contact surface with a plurality of surface irregularities, wherein the surface irregularities include rasps (at 106) or ripples (at 158), and wherein the rasps include tips which are coplanar. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the surface of one or the inner and outer jaws to be flat and include rasps or ripples because one would have been motivated to provide a means for gripping the upright as taught by Anderson (col. 9, lines 64 ff.). Riblet in view of Anderson discloses the lock as applied above but does not disclose one or both of the inner and outer jaws being capable of pivoting relative to the side members. Carter discloses an apparatus (Fig. 1) for mounting on an upright (U1) having an outer jaw (15) pivotally mounted on a bar (14) coupled to a pair of side members (12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified one or both of the inner and outer jaws to be pivotally

mounted to the side members by a bar because one would have been motivated to permit a rolling roughened surface to provide a greater degree of frictional gripping action as taught by Carter (lines 60-64).

This rejection is respectfully traversed.

With respect to claim 1, applicant claims a lock for mounting an angle bracket on an upright comprising, inter alia, a pair of side members and a jaw pivotally coupled to said pair of side members, said jaw comprising a substantially flat contact surface which is adapted to contact the upright over a planar region. As will be described further in detail below, taking Riblet '486 in view of Anderson and further in view of Carter does not render applicant's claimed invention obvious.

Applicant's claimed invention recognizes and solves a specific problem inherent with jaws which bite, dig or engage into the upright onto which the lock is mounted (e.g., linear "edged" jaws and/or jaws having a roughened surface). Specifically, jaws which bite, dig or engage into an upright potentially mar, gall and/or otherwise damage the upright on which the lock is mounted. *See* page 4, lines 15-18 of the subject patent application. In fact, it is for this reason that metal uprights are often backed with a strip of rubber. However, the application of a strip of rubber onto a metal upright increases costs and compromises safety, which is highly undesirable. *See* page 5, lines 1-5 of the subject patent application.

Accordingly, the particular construction of applicant's claimed invention allows for a lock to be mounted onto an upright without biting, digging or engaging into said upright, which is the principal object of the present invention. Specifically, applicant's claimed lock mounts onto an upright without damaging said upright by including a pivotally mounted jaw which includes a

substantially flat contact surface which is adapted to contact the upright over an extended planar region.

As noted by the Examiner, Riblet '486 does not teach, disclose or suggest a pivotally mounted jaw which includes a substantially flat contact surface which is adapted to contact the upright over a planar region. To the contrary, Riblet '486 discloses fixedly mounted jaws, each jaw being circular in lateral cross-section and contacting the upright over a linear region. Because each jaw in Riblet '486 contacts the upright over a linear region, each jaw can potentially damage the upright onto which the lock is mounted, which is highly undesirable.

Taking Riblet '486 in view of Anderson does not render applicant's claimed invention obvious. Specifically, although Anderson shows a jaw (208) which is generally square-shaped in lateral cross-section (*see* Fig. 6 of Anderson), jaw (208) is not pivotally mounted. Because jaw (208) is fixedly mounted, jaw (208) is only adapted to contact an upright over a linear region, which is highly undesirable for reasons noted above. In fact, applicant respectfully contends that it is essential that transversely square-shaped jaw be pivotally mounted in order for said jaw to contact an upright over a planar region. The fact that jaw (208) is fixedly mounted serves as evidence that Anderson fails to recognize and/or solve the specific problem which applicant's claimed invention recognizes and solves.

Taking Riblet '486 in view of Anderson and further in view of Carter does not render applicant's claimed invention obvious. Specifically, applicant respectfully contends that it would not have been obvious to pivotally mount jaw (208) in Anderson in view of Carter because Carter also fails to recognize the specific problem which applicant's claimed invention recognizes and solves. In fact, applicant respectfully notes that cam (15) in Carter is purposefully created with

a "roughened face" for digging into the upright, which is highly undesirable. As a result, applicant respectfully contends that it would not have been obvious to combine Riblet '486, Anderson and Carter in the manner suggested by the Examiner because neither Riblet '486, Anderson nor Carter recognize the specific problem which applicant's claimed invention recognizes and solves.

With respect to claims 2-4, applicant contends that claims 2-4 are in allowable form for being dependent upon claim 1, which applicant believes is in allowable form for the reasons noted above.

With respect to claim 5, applicant wishes to note that claim 5 is being amended herewith to claim the combination of: (1) an upright having a plurality of surface irregularities and (2) a lock comprising a jaw having a contact surface which includes a plurality of surface irregularities which are sized and shaped to matingly engage with the surface irregularities on said upright. As can be appreciated, none of the cited references teach, disclose or suggest the combination of an upright having a plurality of surface irregularities and a lock comprising a jaw having a contact surface which includes a plurality of surface irregularities which are sized and shaped to matingly engage with the surface irregularities on said upright.

With respect to claims 6-11, applicant contends that claims 6-11 are in allowable form for being dependent upon claim 5, which applicant believes is in allowable form for the reasons noted above.

With respect to claims 12-19, applicant wishes to note to the Examiner that claims 12-19 are being canceled herewith.

Withdrawal of the rejection of claims 1-19 under 35 U.S.C. 103(a) as being unpatentable over Riblet '486 in view of Anderson and further in view of Carter is respectfully urged.

The prior art made of record and not relied upon by the Examiner is noted.

Allowance of the application with claims 1-11, 20 and 21 is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

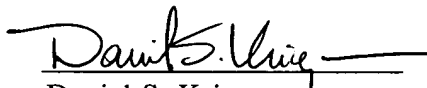
Respectfully submitted,

Kriegsman & Kriegsman

By: 
Daniel S. Kriegsman
Reg. No. 40,057
665 Franklin Street
Framingham, MA 01702
(508) 879-3500

Date: 12-5-02

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Fee Amendment, Commissioner for Patents, Washington, D. C. 20231 on 12-5-02.


Daniel S. Kriegsman

MARKED-UP TITLE AND REPLACEMENT PARAGRAPH OF SPECIFICATION

Please amend the title to read:

[IMPROVED] BRACKET ASSEMBLY LOCK

Please replace the first full paragraph of page 7 with the following replacement paragraph:

In another embodiment of the present invention, there is provided a lock for mounting an angle bracket on an upright, said upright having a plurality of surface irregularities, said lock comprising a pair of side members, an outer jaw and an inner jaw coupled to said pair of side members, a fulcrum bar which is adapted to couple said pair of side members to said angle bracket, said pair of side members being capable of pivoting relative to said angle bracket about said fulcrum bar, at least one of said inner jaw and said outer jaw comprising a contact surface that includes a plurality of surface irregularities, the plurality of surface irregularities on at least one of said inner jaw and said outer jaw being sized and shaped to matingly engage with the plurality of surface irregularities on said upright, said at least one of said inner jaw and said outer jaw being capable of pivoting relative to said pair of side members and said angle bracket.

MARKED-UP AMENDED CLAIMS 1 AND 5-11

1. (Amended) A lock for mounting an angle bracket on an upright, said lock comprising:

(a) a pair of side members,

(b) an outer jaw and an inner jaw coupled to said pair of side members, and

(c) a fulcrum bar which is adapted to couple said pair of side members to said angle bracket, said pair of side members being capable of pivoting relative to said angle bracket about said fulcrum bar,

(d) at least one of said inner jaw and said outer jaw comprising a substantially flat contact surface which is adapted to contact the upright over a planar region, said at least one of said inner jaw and said outer jaw being capable of pivoting relative to said pair of side members and said angle bracket.

5. (Amended) The combination of:

(a) an upright having a plurality of surface irregularities, and

(b) a [A] lock for mounting an angle bracket on said [an] upright, [said upright having a plurality of surface irregularities,] said lock comprising:

(i) [(a)] a pair of side members,

(ii) [(b)] an outer jaw and an inner jaw coupled to said pair of side members, and

(iii) [(c)] a fulcrum bar which is adapted to couple said pair of side members to said angle bracket, said pair of side members being capable of pivoting relative to said angle bracket about said fulcrum bar,

(iv) [(d)] at least one of said inner jaw and said outer jaw comprising a contact surface which includes a plurality of surface irregularities, the plurality of surface irregularities on said at least one of said inner jaw and said outer jaw being sized and shaped to matingly engage with the plurality of surface irregularities on said upright, said at least one of said inner jaw and said outer jaw being capable of pivoting relative to said pair of side members and said angle bracket.

6. (Amended) The combination [lock] as claimed in claim 5 wherein the plurality of surface irregularities on said at least one of said inner and said outer jaw are sized and shaped to matingly engage with the plurality of surface irregularities on said upright over a region greater than a line.

7. (Amended) The combination [lock] as claimed in claim 5 wherein said inner jaw is disposed beneath the plane defined by said outer bar and said fulcrum bar.

8. (Amended) The combination [lock] as claimed in claim 7 wherein said at least one of said inner jaw and said outer jaw is pivotally mounted on a bar which is coupled to said pair of side members.

9. (Amended) The combination [lock] as claimed in claim 8 wherein each surface irregularity on said at least one of said inner jaw and said outer jaw includes a tip, at least two of the tips of the plurality of surface irregularities being co-planar.

10. (Amended) The combination [lock] as claimed in claim 8 wherein the plurality of surface irregularities on the contact surface are in the form of a plurality of rasps.

11. (Amended) The combination [lock] as claimed in claim 8 wherein the plurality of surface irregularities on the contact surface are in the form of a plurality of ripples.